



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCC/151136

PRELIMINARY RECITALS

Pursuant to a petition filed August 05, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a hearing was held on October 01, 2013, at Milwaukee, Wisconsin.

The issue for determination is whether Milwaukee Enrollment Services (the agency) correctly terminated Petitioner's BadgerCare+ benefits.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53703

By: Lashun Johnson, Income Maintenance Worker II
Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Mayumi M. Ishii
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. On May 17, 2013, the agency sent Petitioner a notice indicating that it was terminating his Badger Care Core benefits effective June 1, 2013, because his renewal was not completed. (Exhibit 2, pgs. 17-20)
3. Petitioner contacted the agency, and on June 11, 2013, the agency processed Petitioner's renewal and pended the case for verification of income. (Exhibit 2, pg. 4)

4. Petitioner provided the agency with check stubs dated 7/13/2012, 4/19/2013, 5/3/2013, 6/14/2013 and 7/12/2013. (Exhibit 2, pgs. 9-12 and Exhibit 3)
5. On July 23, 2013, the agency sent Petitioner a notice indicating that his health care benefits would be ending effective July 1, 2013, because his income was over the program limit. (Exhibit 2, pgs. 21-26)
6. Petitioner filed a request for fair hearing that was received by the Division of Hearings and Appeals on August 5, 2013.

DISCUSSION

BadgerCare Plus is a state/federal medical insurance program for working families. The BadgerCare Plus Core Plan (for adults without dependent children) expansion of the BadgerCare Plus program is the second step in a comprehensive strategy to ensure access to affordable health insurance for virtually all Wisconsin residents. The Core Plan provides basic health care coverage to adults who do not otherwise qualify for Medicaid or the BadgerCare Plus Standard or Benchmark Plans. BadgerCare Plus Eligibility Handbook (BEH), §§ 1.1 and 43.1. (Available online at <http://www.emhandbooks.wi.gov/bcplus/>).

“In order to qualify for the Core Plan, an applicant or member’s gross monthly income must not exceed 200% of the FPL [Federal Poverty Level] for the FTG [Fiscal Test Group] size (1 or 2)” *BEH* §43.7.2

It is undisputed that Petitioner’s group size is one (1). 200% of FPL for one person is \$1,915.00 per month. *BEH* §50.1

Petitioner did not provide consecutive checks, so the agency calculated Petitioner’s income from the missing check as follows:

\$6887.61 Year-to-date Gross Income from the 7/12/2013 check
-\$988.80 Gross income for the 7/12/2013 check (pay period 6/23-7/6/13)

\$5898.81 Year-to-date Gross Income that should be on the missing check for 6/28
-\$4910.01 Year-to-date Gross Income from the 6/14 check

\$988.80 Gross income that should be on the missing check for 6/28

If one is looking at Petitioner’s income in June 2013, when he completed his renewal, his income would be calculated as follows:

\$964.08 Gross pay from the 6/14 check
+\$988.80 Gross pay from the missing 6/28 check

\$1952.88 Gross monthly income

\$1952.88 exceeds the current \$1,915.00 income limit for Badger Care+ Core eligibility.

Petitioner argues that his income fluctuates and should be averaged, because he does not always work overtime, but none of the five pay checks he provided showed any overtime pay.

Based upon the foregoing, it is found that the agency correctly determined that Petitioner’s income was over the program limit.

Petitioner should note that he can now apply for an Obamacare subsidy to obtain insurance in the newly created insurance market place. To do so Petitioner should call:

[REDACTED] or go on-line at www.healthcare.gov

CONCLUSIONS OF LAW

The agency correctly terminated Petitioner's Badger Care+ Core benefits effective July 1, 2013.

THEREFORE, it is

ORDERED

That the appeal is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 3rd day of October, 2013

\sMayumi M. Ishii
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on October 3, 2013.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability